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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,237	09/09/2003	James Thomas Edward McDonnell	300200017-2	8845

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EXAMINER	
NGUYEN, KHAI MINH	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,237	MCDONNELL ET AL.	
	Examiner	Art Unit	
	Khai M. Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is response to Amendment filed on 9/30/2005

Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande (U.S.Pub-20030003933) in view of Overby, Jr. et al. (U.S.Pat-6785729).

Regarding claim 1, Deshpande teaches a method wherein a cellular communications service provider authenticates a provider of a service running at a wireless hotspot (fig.1, abstract, paragraph 0002), the method comprising:

receiving an indication of potential use of a specified wireless hotspot from a user (fig.1, abstract, paragraph 0002, 0007, *if the mobile client determines that multiple APs are available at that location, it interrogates each of the APs to obtain information relating to the available services*);

Deshpande fails to specifically discloses verifying the trustworthiness of the provider of the service with a party independent from said provider, and on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider. However, Overby teaches an authenticated network user is verified as entitled to access a network node or server on the network node, and Overby further teaches verifying the trustworthiness of the provider of the service with a party independent from said provider (fig.1-2, abstract, col.3, lines 7-27), and on successful verification of the provider of the service (col.1, lines 43-6, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider (fig.1-3, abstract, col.3, lines 7-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use verifying the trustworthiness of the provider of the service with a party independent from said provider, and on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider as taught by Overby with Deshpande teaching in order to provide the user authorization in a network and specifically to the user authorization

in such a way that access to a logon screen or menu is avoid until after the user has been authorized to logon.

Regarding claim 2, Deshpande and Overby further teaches a method as claimed in claim 1, wherein the service is use of the hotspot and the provider of the service is a wireless hotspot provider (fig.1, 3, paragraph 0002, 0008).

Regarding claim 3, Deshpande and Overby further teaches a method as claimed in claim 1, wherein the service is a service running over infrastructure of the wireless hotspot and the provider of the service is not the provider of the wireless hotspot (fig.1, 3, abstract, paragraph 0002, 0008, 0021).

Regarding claim 4, Deshpande and Overby further teaches a method as claimed in claim 1, wherein the confirmation provided comprises a key enabling the user to use the service provided by the provider (paragraph 0013, 0019).

Regarding claim 5, Deshpande and Overby further teaches a method as claimed in claim 1, further including tracking the location of a user via a user's wireless communications device (fig.1, abstract, paragraph 0002); and

predicting, from the location of the user, a service at a wireless hotspot within current or future range of the user (paragraph 0002, 0013).

Regarding claim 6, Deshpande and Overby further teaches a method as claimed in claim 5, further including supplying the user with information concerning the location of one or more hotspots close to the user or closest to the user.

Regarding claim 7, Deshpande and Overby further teaches a method as claimed in claim 5, wherein the indication of potential use is determination that the hotspot is within present or future range of the user (paragraph 0002, 0007).

Regarding claim 8, Deshpande and Overby further teaches a method as claimed in claim 7, further including receiving a positive request to use the service (paragraph 0007), and commencing authentication of the provider of the service before the positive request is received (paragraph 0002, 0007-0008).

Regarding claim 9, Deshpande and Overby further teaches a method as claimed in claim 1, wherein the indication of potential use is a positive request from the user (paragraph 0002, 0007-0008).

Regarding claim 10, Deshpande teaches a computer system for a cellular telecommunications provider (fig.1, abstract, paragraph 0002), comprising a processor arranged for:

receiving an indication of potential use of a specified wireless hotspot from a user (fig.1, abstract, paragraph 0002, 0007, *if the mobile client determines that multiple APs are available at that location, it interrogates each of the APs to obtain information relating to the available services*);

Deshpande fails to specifically discloses identifying services available at the specified wireless hotspot, and authenticating providers of the services available at the specified wireless hotspot, and preparing authentication information for use by the user . However, Overby teaches an authenticated network user is verified as entitled to access a network node or server on the network node, and Overby further teaches identifying services available at the specified wireless hotspot (fig.1-3, abstract, col.1, lines 43-60), and authenticating providers of the services available at the specified wireless hotspot (fig.1-3, abstract, col.1, lines 43-60, col.3, lines 7-27), and preparing authentication information for use by the user (fig.1-3, abstract, col.3, lines 7-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use identifying services available at the specified wireless hotspot, and authenticating providers of the services available at the specified wireless hotspot, and preparing authentication information for use by the user as taught by

Overby with Deshpande teaching in order to provide the user authorization in a network and specifically to the user authorization in such a way that access to a logon screen or menu is avoid until after the user has been authorized to logon.

Regarding claim 11, Deshpande and Overby further teaches a computer system as claimed in claim 10, wherein in preparing the authentication information the processor is arranged for generating a cryptographic key (see Overby, fig.1-3, col.3, lines 7-43).

Regarding claim 12, Deshpande and Overby further teaches a computer system as claimed in claim 10, wherein the processor is further arranged for receiving location information representing the location of the user (paragraph 0007-0008), and for determining from the location information one or more wireless hotspots that are or will be within the range of the user (fig.1, 3, abstract, paragraph 0002, 0007-0008).

Regarding claim 13, Deshpande and Overby further teaches a computer system as claimed in claim 12, wherein the processor is further arranged for (a) receiving a positive request for use of a service at the hotspot from the user (paragraph 0007-0008), (b) commencing authenticating a provider of the service before the positive request is received (paragraph 0002, 0013) and (c) preparing authentication

information for use by the user after the positive request is received (abstract, paragraph 0007-0008, 0021).

Regarding claim 14, Deshpande teaches a storage medium storing a computer-readable program code thereon (fig.1-3), the computer-readable program code being arranged to cause a computer system of a cellular communications provider to:

receive an indication of potential use of a specified wireless hotspot from a user (fig.1, abstract, paragraph 0002, 0007, *if the mobile client determines that multiple APs are available at that location, it interrogates each of the APs to obtain information relating to the available services*);

Deshpande fails to specifically discloses identifying services available at the specified wireless hotspot, and authenticating providers of the services available at the specified wireless hotspot, and preparing authentication information for use by the user. However, Overby teaches an authenticated network user is verified as entitled to access a network node or server on the network node, and Overby further teaches identifying services available at the specified wireless hotspot (fig.1-3, abstract, col.1, lines 43-60), and authenticating providers of the services available at the specified wireless hotspot (fig.1-3, abstract, col.1, lines 43-60, col.3, lines 7-27), and preparing authentication information for use by the user (fig.1-3, abstract, col.3, lines 7-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use identifying services available at the specified wireless

hotspot, and authenticating providers of the services available at the specified wireless hotspot, and preparing authentication information for use by the user as taught by Overby with Deshpande teaching in order to provide the user authorization in a network and specifically to the user authorization in such a way that access to a logon screen or menu is avoid until after the user has been authorized to logon.

Regarding claim 15, Deshpande teaches a method wherein a cellular telecommunications provider authorises a user to use a location-dependent service (fig.1-3), the method comprising:

tracking the location of the user via a wireless communications device of the user (fig.1, abstract, paragraph 0007-0008, 0014);

determining that the user is or will be within an operating range of the location-dependent service (paragraph 0002, 0007-0008, 0014);

Deshpande fails to specifically discloses authenticating a provider of the service, and authenticating the provider of the service to the user. However, Overby teaches an authenticated network user is verified as entitled to access a network node or server on the network node, and Overby further teaches authenticating a provider of the service (fig.1-3, abstract, col.3, lines 7-27), and authenticating the provider of the service to the user (fig.1-3, abstract, col.3, lines 7-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use authenticating a provider of the service, and authenticating the provider of the service to the user as

taught by Overby with Deshpande teaching in order to provide the user authorization in a network and specifically to the user authorization in such a way that access to a logon screen or menu is avoid until after the user has been authorized to logon.

Regarding claim 16, Deshpande and Overby further teaches a method as claimed in claim 15, further comprising receiving a request to use the location-dependent service by the user (abstract, paragraph 0002, 0007-0008).

Regarding claim 17, Deshpande and Overby further teaches a method as claimed in claim 16, wherein authenticating the provider of the service commences prior to receiving the request authenticating the provider of the service subsequent to receiving the request (paragraph 0001. 0013-0014).

Regarding claim 18, Deshpande and Overby further teaches a computer system as claimed in claim 10, wherein in authenticating providers of the services the processor is arranged for verifying the trustworthiness of the providers of the services (see Overby, fig.1-3, abstract, col.1, lines 43-60, col.3, lines 7-43).

Regarding claim 19, Deshpande and Overby further teaches a storage medium as claimed in claim 14, wherein the computer-readable program code arranged to cause the computer system of the cellular communication provider to authenticate providers of the services is arranged for verifying the trustworthiness of the providers of the services (see Overby, fig.1-3, abstract, col.1, lines 43-60, col.3, lines 7-43).

Regarding claim 20, Deshpande and Overby further teaches a method as chimed in claim 15, wherein authenticating the provider of the service comprises verifying the trustworthiness of the providers of the services (see Overby, fig.1-3, abstract, col.1, lines 43-60, col.3, lines 7-43).

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizikovsy (U.S.Pat-6853729) discloses Method and apparatus for performing a key update using update key.

Aboba et al. (U.S.Pub-20040243846) discloses Secure association and management frame verification.

Meandzija et al. (U.S.Pub-20040264699) discloses Terminal authentication in a wireless network.

Haartsen (U.S.Pat-5598459) discloses Authentication and handover methods and systems for radio personal communications.

Zhang et al. (U.S.Pub-20020174335) discloses IP-Based AAA scheme for wireless LAN virtual operators.

Kalavande et al. (U.S.Pub-20020191575) discloses Method and apparatus for converging local area and wide area wireless data networks.

Henry et al. (U.S.Pat-6856800) discloses Fast authentication and access control system for mobile networking.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

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PATENT EXAMINER

12/6/2005